

REMARKS/ARGUMENTS

Favorable reconsideration of the present application is respectfully requested.

Claim 1 has been amended to recite that the winch openings adapted to pass the smaller-diameter portions of the winches are formed by the recessed cut-outs and the detachable frames when both said fixed and detachable frames are connected together so as to sandwich the smaller-diameter portions of the winches, wherein the smaller-diameter portions do not include shafts of the winches. Basis for the additional limitations of Claim 1 is found in Figure 5. Claim 6 has been rewritten in independent form and further recites that the counterweight mounting portions are provided at the detachable frames of the rear portions of the boom support frames. Basis for this is evident from Figure 4. It also recites that the smaller diameter portions do not include the winch shafts and that winch openings are adapted to pass the smaller-diameter portions of the winches.

As Applicants have explained in the previous response, according to a feature of the invention, the openings for winches in the frame of an upper rotating body in a traveling working machine are formed when detachable frames are connected together with fixed frames having recessed cut-outs, thereby permitting the insertion of a large diameter winch in an opening sized for a smaller diameter portion. For example, referring to the non-limiting Figure 5b of the specification, the openings need not be sufficiently large to pass the large diameter winch drum flanges 6a', and so the strength of the frames is enhanced.

Claims 1 and 3-6 were rejected under 35 U.S.C. §103 as being obvious over the U.S. patent to Pech et al., of record, in view of the newly cited U.S. patent 1,886,032 (Lotte). The Examiner there alleged that Pech et al. discloses all of the claimed limitations "but varies from the claims by not showing the detachable frame portions as the means for mounting the winches within these recesses." The Examiner alleged that the bearing caps 4A of Lotte

would have rendered it obvious for those skilled in the art to have used "caps" as the means to mount the winches of Pech et al. within the frame recesses.

Pech et al. is directed to a crane comprising an upper part 14 which is releasably detached from a truck portion 18 and which includes a boom 22 and unnumbered winches. Lotte is directed to an excavating machine wherein the shafts for various elements, such as the shaft 4 for the hoist drum 91, are rotatably mounted to a frame via bearing caps 4A. However, as is evident from Figure 3 of Lotte, the bearing caps *rotatably support the shaft* of a hoist drum. Lotte would therefore only teach bearing caps for rotatably supporting *shafts* in Pech et al.

The use of bearing caps for rotatably supporting a shaft in Lotte would not have rendered it obvious for those skilled in the art to have sandwiched smaller-diameter portions of the winches of Pech et al., which smaller-diameter portions *are not the winch shafts*, at recessed cut-outs in fixed and detachable frames, since bearing caps pose unique problems and solutions which are specific to the mounting of a rotatable shaft. Bearing caps are required to precisely position rotatable shafts with a carefully controlled clearance in order to permit stable shaft rotation. Thus, the mounting of the shafts in bearing caps is inefficient and time consuming, and so Pech et al. provides bearing journals at bosses (Figs. 2-3) without the use of bearing caps.

Moreover, even if Lotte would have rendered it obvious for those skilled in the art to have instead used bearing caps at the shaft support journals in Pech et al., this still would not have rendered it obvious for those skilled in the art to have modified the un-numbered cut-outs of Pech et al. as winch mounting means which cooperate with detachable frames to sandwich smaller-diameter portions of the winches, which smaller-diameter portions are not the winch shafts, since the problems associated with the rotatable mounting of shafts (e.g., controlled clearance in order to permit stable shaft rotation) are entirely different from those

of mounting winches via portions other than their shafts. Thus the mere disclosure of bearing caps for rotatable shafts in Lotte is an insufficient teaching to render the claimed invention obvious.

The above remarks also apply to any combination of Harnischfeger in view of Lotte or U.S. patent 3,186,372 (Elgh) (paragraph 3). Harnischfeger discloses a traveling working machine wherein the rotating frame 2 has pillow blocks 54 to accommodate "any particular handling equipment employed." Figure 1 shows gears 6 mounted on the pillow blocks, but the purpose of the gears is not described. The Examiner has stated that Harnischfeger "varies from claim 1 by not showing detachable frame portions as the means for mounting the winches within" the recesses 54. However, while the Examiner is correct that Lotte shows winches mounted to a frame by detachable caps 4A, this would merely suggest mounting the *shafts* of winches at the pillow blocks 54 of Harnischfeger via detachable caps. It would not disclose or suggest cut-outs "along smaller-diameter portions of the winches than said maximum-diameter portions, *said smaller-diameter portions not including shafts of the winches.*"

Elgh is similar to Lotte insofar as it discloses bearing caps for mounting shafts. Accordingly, it is similarly incapable of suggesting a modification of Harnischfeger to provide cut outs "along smaller-diameter portions of the winches than said maximum-diameter portions, *said smaller-diameter portions not including shafts of the winches.*"

Claim 6 has been rewritten in independent form and further recites that the counterweight mounting portions are provided at the detachable frames of the rear portions of the boom support frames. This is significant because these counterweight supporting elements can be made stronger in accordance with the invention, since the openings that they form in cooperation with the fixed frames can be made smaller. There is no evidence in Lotte or Elgh that any of the bearing caps thereof incorporate counterweight mounting portions.

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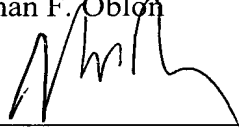
Accordingly, they cannot suggest that a counterweight supporting element of the primary references should be so modified. Claim 6 thus also defines over the above references.

Applicants therefore believe that the present application is in a condition for allowance and respectfully solicit an early notice of allowability.

Respectfully submitted,

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